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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,833	01/15/2004	Tatsuro Uchida	1232-5254	8301
27123	7590	04/07/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			BLEVINS, JERRY M	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,833

Applicant(s)

UCHIDA, TATSURO

Examiner

Jerry Martin Blevins

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 21, 2006 has been entered.

Claim Objections

Claim 5 is objected to because of the following informalities:

Claim depends from claim 4, which has been canceled. For examination purposes, examiner interprets claim 5 to depend from claim 1.

Appropriate correction is required.

Response to Arguments

Applicant's arguments, see page 4, filed March 21, 2006, with respect to the rejection of claims 1, 3, 5, and 7 under 35 USC 112, 2nd paragraph, have been fully considered and are persuasive. The rejection of claims 1, 3, 5, and 7 under 35 USC 112, 2nd paragraph, has been withdrawn.

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Applicant's arguments filed March 21, 2006 with respect to the rejections of claims 1, 3, 5, and 7 under 35 USC 102 and 35 USC 103 have been fully considered but they are not persuasive.

In particular, the applied prior art reference, US Patent to Ouchi, number 6,892,398, teaches a surface emitting laser having a function capable of selecting beam light propagation to change a radiation angle of light (column 9, line 21 – column 11, line 64). Although Ouchi is silent with respect to diffused light propagation, the currently amended claims merely indicate that the selection be either beam light propagation or diffused light propagation, implying that the laser need only to be capable of selecting either one or the other types of light propagation. Ouchi teaches beam light propagation, which would therefore read on the claim of beam light propagation or diffused light propagation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ouchi.

Regarding claim 1, Ouchi teaches an optical connector device (Figure 2B) comprising an optical waveguide layer (7), a surface-emitting (column 2, lines 19-24) semiconductor laser (5) having a function capable of selecting beam light propagation or diffused light propagation to change a radiation angle of a light (column 9, line 21 – column 11, line 64, and see response to arguments section above), an optical path changing structure (3) for changing an optical path of the light from the semiconductor laser; and light-receiving elements (6) for receiving the light from the semiconductor laser through the optical waveguide layer.

Regarding claim 3, Ouchi teaches that the optical path changing structure is disposed within the optical waveguide layer (Figure 2B).

Regarding claim 7, Ouchi teaches an optical and electrical circuit combined board (Figure 4) comprising the optical connector device according to claim 1 formed so as to obtain electrical connection with an electrical circuit board (column 8, lines 23-25), wherein a part of or whole signals from the electrical circuit board are transmitted by optical wirings as transmission of optical signals using the optical connector device (column 12, lines 13-32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi in view of US Patent to Suyama et al., number 6,055,255.

Regarding claim 5, Ouchi teaches the limitations of the base claim 1. Ouchi does not teach that the surface-emitting laser is formed with a current constricting layer in a vicinity of an active layer. Suyama teaches a semiconductor laser (Figure 1, element 100) formed with a current constricting layer (10) in a vicinity of an active layer (4). It would have been obvious to one of ordinary skill in the art at the time of the invention to form the laser of Ouchi with a current constricting layer in a vicinity of an active layer, as taught by Suyama. The motivations would have been to reduce noise, decrease light leakage, prevent deterioration of optical characteristics and improve the reliability of the semiconductor laser (Suyama, column 4, line 58 – column 5, line2).

Conclusion

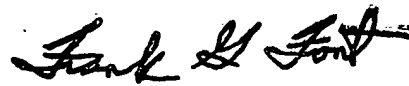
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Martin Blevins whose telephone number is 571-272-8581. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMB



Frank G. Font
Supervisory Patent Examiner
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